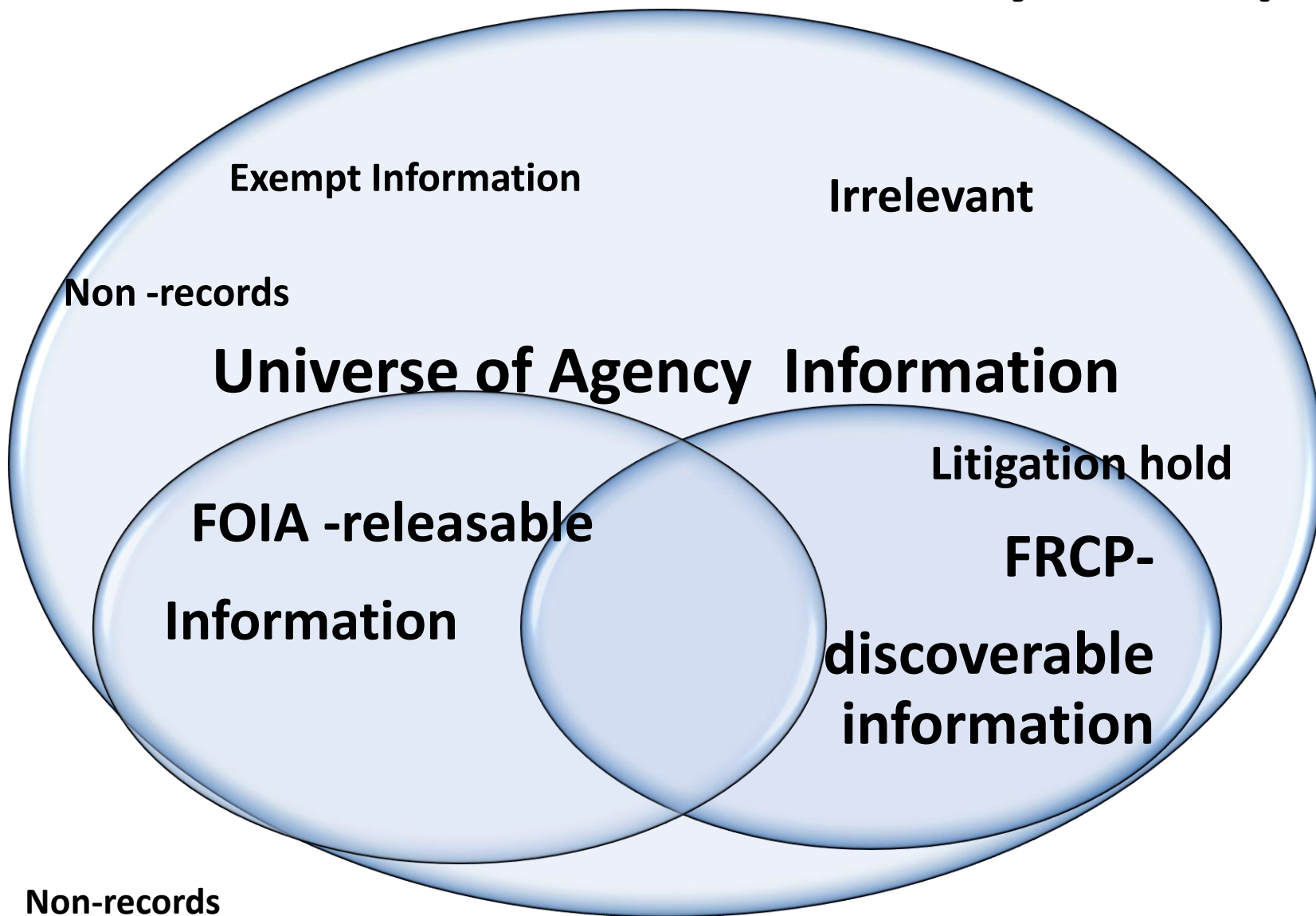


Electronic Discovery Tools and Freedom of Information Act (FOIA) Processing

**FOIA Training
September 15, 2011**

**Joan Moumbleaux, J.D., M.L.I.S.
National Oceanic and Atmospheric Administration**

Where does FOIA & discovery overlap ?

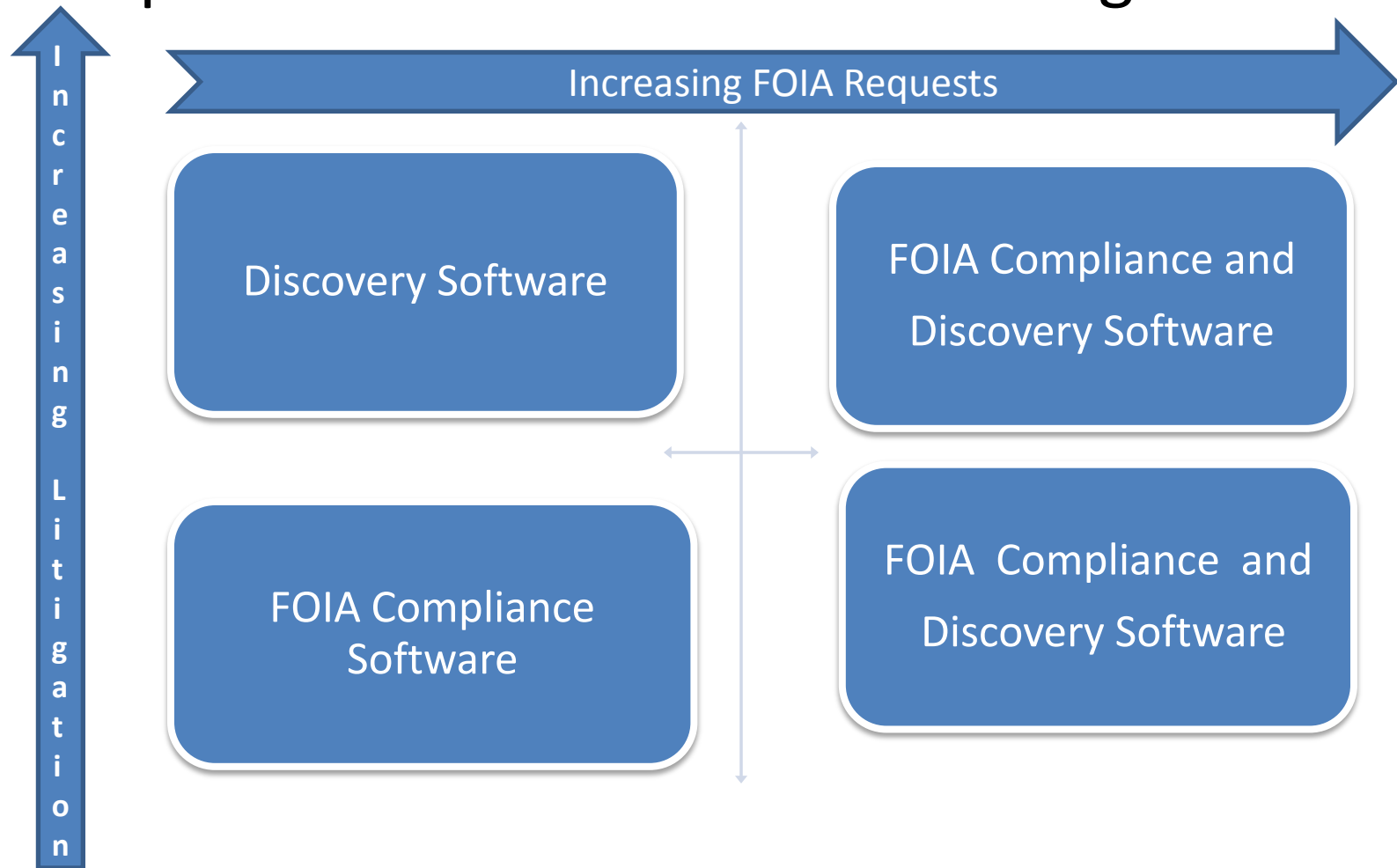


What COTS technology tools are available right now?

- **FOIA Compliance** vendor sampling
 - FOIAXpress
 - Privasoft
 - Public Records Tracker
- **Electronic Discovery (E-Discovery)** vendor sampling
 - ASG
 - Autonomy
 - Clearwell/Symantec
 - EMC
 - Open Text

What technology fits your needs?

- It depends upon your organization's FOIA request-volume and amount of litigation.



NOAA case study: BP Oil Spill

- **December 2010**
 - Overwhelmed by FOIA requests
 - Preparing for complex litigation – litigation hold in place
 - Litigation needs had priority but FOIA was close behind
- **January 2011**
 - Reviewed technology choices, consulted Gartner
 - Consistency value - integrate with DOJ technology
 - Clearwell pilot - Congressional request: success!!!
 - Congressional sanction avoided
- **February 2011**
 - Clearwell installed and in use for BP discovery

Why one tool can't do it all

- FOIA compliance software manages FOIA work-flow and applies FOIA exemptions.
- Discovery software can manage both FOIA productions and Federal Rules of Civil Procedure (FRCP) discovery-phase productions.
- FOIA compliance can't always manage FRCP rules requirements e.g., metadata management and production.
- Discovery software does not manage FOIA timelines, work-flow, and business-process management needs.